



**MICHIGAN
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TIMOTHY K. McGUIRE, Executive Director

May 9, 2011

ATTN: Chief Justice Young
Michigan Supreme Court
PO Box 30052
Lansing, MI 48900

Re: ADM File No. 2010-05

Dear Chief Justice Young and Justices of the Court:

We are writing to you to speak in support of the changes to the Michigan Court Rules that were recommended to this Court by the Legislative Commission on Statutory Mandates in its December 31, 2009 Report. We are well aware of the Commission's activities in creating their Report. Representatives of our organization appeared before the Commission to provide our perspective on the subject of unfunded mandates. All of our constituent members have been very negatively impacted by the costs of unfunded state mandates imposed by legislation and State administrative agencies over the 32 years since the voters approved the Headlee Amendment. We believe strongly that these on-going constitutional violations are eroding the belief that the people of this State have in their unassailable right to shape the requirements by which the government of this State functions.

We have observed the experiences of local units of government that have attempted to secure remedies for the State's violations of the Headlee Amendment only to be subjected to court proceedings that have dragged on for decades before any modicum of relief is received, if any. Our members have been cautioned by our attorneys over the years that challenges, no matter how well based, will be met with litigation tactics resorted to by the State (with full access to the state treasury) and judicial procedures that are essentially unspecified, the combination of which equates to costs and delays that are beyond our means.

Our plea to this Court is to enforce compliance with the Amendment, as expressly directed by Michigan voters. There is no reason that, after 32 years following the adoption of the Amendment, there are no written court rules that expressly apply to these cases where they are originally filed in the Michigan Court of Appeals, as expressly permitted in the Amendment; other than a change adopted in 2007 to make pleadings in these cases more difficult than in other suits. We appreciate that the Court of Appeals does not regularly function as a trial court but that is what the voters require in the plainest of terms when violations are alleged to occur. Thus, we believe it is necessary to set out in court rules how these suits will proceed to decision and to assure that the process occurs in a prompt and fair manner. The current situation is fundamentally wrong. Only this Court can carry out the express will of the people in these regards.

We respectfully request that the Commission's recommendations for changes in the court rules be adopted.

Sincerely,

THOMAS MULLANEY, MAC President